

Senate Bill No. 1568

Passed the Senate August 31, 2006

Secretary of the Senate

Passed the Assembly August 28, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 6061 of, and to add Sections 6046.7, 6060.7, and 6061.5 to, the Business and Professions Code, and to amend Section 94900 of, and to add Section 94364 to, the Education Code, relating to law schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1568, Dunn. Law schools and law degree programs.

Existing law provides for the regulation of the practice of law by the State Bar of California, and authorizes the Committee of Bar Examiners to fulfill certain functions. Under existing law, until July 1, 2007, the committee is responsible for the approval, regulation, and oversight of accredited degree-granting law schools that exclusively offer specified degrees in law, and are not otherwise exempt due to national accreditation. This provision does not apply to unaccredited law schools, which, until July 1, 2007, remain subject to the jurisdiction of the Bureau for Private Postsecondary and Vocational Education. Existing law authorizes an unaccredited law school to refer to itself as a university or part of a university and requires the bureau and the Attorney General to take specified action with regard to this provision. Existing law requires unaccredited law schools to meet specific requirements, and exempts correspondence schools from certain of those requirements.

This bill would delete the date on which the provision making the Committee on Bar Examiners responsible for the approval, regulation, and oversight of those accredited degree-granting law schools becomes inoperative, and would, on and after January 1, 2008, additionally apply those provisions to unaccredited law schools. The bill would require the committee to adopt rules, which would take effect January 1, 2008, for the regulation and oversight of unaccredited law schools and nonlaw school legal programs leading to a J.D., LL.B., or other law study degree. The bill would require the committee, commencing January 1, 2008, to assess and collect a fee from the schools and programs in an amount sufficient to fund these regulatory and oversight responsibilities and would, effective January 1, 2008, delete the

duties imposed on the Bureau for Private Postsecondary and Vocational Education and on the Attorney General related to unaccredited law schools. The bill would also delete the exception for correspondence schools from specified unaccredited law school requirements.

The people of the State of California do enact as follows:

SECTION 1. Section 6046.7 is added to the Business and Professions Code, to read:

6046.7. (a) (1) Notwithstanding any other provision of law, the Committee of Bar Examiners shall adopt rules that shall be effective on and after January 1, 2008, for the regulation and oversight of unaccredited law schools that are required to be authorized to operate as a business in California and to have an administrative office in California, including correspondence schools, that are not accredited by the American Bar Association or the Committee of Bar Examiners, with the goal of ensuring consumer protection and a legal education at an affordable cost.

(2) Notwithstanding any other provision of law, the committee shall adopt rules that shall be effective on and after January 1, 2008, for the regulation and oversight of nonlaw school legal programs leading to a juris doctor (J.D.) degree, bachelor of laws (LL.B.) degree, or other law study degree.

(b) Commencing January 1, 2008, the committee shall assess and collect a fee from unaccredited law schools and legal programs in nonlaw schools in an amount sufficient to fund the regulatory and oversight responsibilities imposed by this section. Nothing in this subdivision precludes the board of governors from using other funds or fees collected by the State Bar or by the committee to supplement the funding of the regulatory and oversight responsibilities imposed by this section with other funds, if that supplemental funding is deemed necessary and appropriate to mitigate some of the additional costs of the regulation and oversight to facilitate the provision of a legal education at an affordable cost.

SEC. 2. Section 6061 of the Business and Professions Code is amended to read:

6061. Any law school that is not accredited by the examining committee of the State Bar shall provide every student with a

disclosure statement, subsequent to the payment of any application fee but prior to the payment of any registration fee, containing all of the following information:

(a) The school is not accredited. However, in addition, if the school has been approved by other agencies, that fact may be so stated.

(b) Where the school has not been in operation for 10 years, the assets and liabilities of the school. However, if the school has had prior affiliation with another school that has been in operation more than 10 years, has been under the control of another school that has been in operation more than 10 years, or has been a successor to a school in operation more than 10 years, the requirements of this subdivision are not applicable.

(c) The number and percentage of students who have taken and who have passed the first-year law student's examination and the final bar examination in the previous five years, or since the establishment of the school, whichever time is less, which shall include only those students who have been certified by the school to take the examinations.

(d) The number of legal volumes in the library. This subdivision does not apply to correspondence schools.

(e) The educational background, qualifications and experience of the faculty, and whether or not the faculty members and administrators (e.g., the dean) are members of the California State Bar.

(f) The ratio of faculty to students for the previous five years or since the establishment of the school, whichever time is less.

(g) Whether or not the school has applied for accreditation, and if so, the date of application and whether or not that application has been withdrawn, is currently pending, or has been finally denied. The school need only disclose information relating to applications made in the previous five years.

(h) That the education provided by the school may not satisfy requirements of other states for the practice of law. Applicants should inquire regarding those requirements, if any, to the state in which they may wish to practice.

The disclosure statement required by this section shall be signed by each student, who shall receive as a receipt a copy of his or her signed disclosure statement. If any school does not

comply with these requirements, it shall make a full refund of all fees paid by students.

Subject to approval by the board, the examining committee may adopt reasonable rules and regulations as are necessary for the purpose of ensuring compliance with this section.

SEC. 3. Section 6061.5 is added to the Business and Professions Code, to read:

6061.5. A law school that is not accredited by the examining committee of the State Bar may refer to itself as a university or part of a university and, if it so refers to itself, shall state whether or not the law school is associated with an undergraduate school.

SEC. 4. Section 6060.7 is added to the Business and Professions Code, to read:

6060.7. (a) From January 1, 2007, to December 31, 2007, law schools and law study degree programs shall be subject to the following:

(1) The examining committee shall be responsible for the approval, regulation, and oversight of degree-granting law schools that (A) exclusively offer bachelor's, master's, or doctorate degrees in law, such as juris doctor, and (B) do not meet the criteria set forth in Section 94750 of the Education Code. This paragraph does not apply to unaccredited law schools, which remain subject to the jurisdiction of the Bureau of Private Postsecondary Education or its successor agency.

(2) If a law school that does not meet the criteria set forth in Section 94750 of the Education Code offers educational services other than bachelor's, master's, or doctorate-degree programs in law, only the law school's degree programs in law shall be subject to the approval, regulation, and oversight of the examining committee.

(b) On and after January 1, 2008, law schools and law study degree programs shall be subject to the following:

(1) The examining committee shall be responsible for the approval, regulation, and oversight of degree-granting law schools that (A) exclusively offer bachelor's, master's, or doctorate degrees in law, such as juris doctor, and (B) do not meet the criteria set forth in Section 94750 of the Education Code.

(2) If a law school that does not meet the criteria set forth in Section 94750 of the Education Code offers educational services

other than bachelor's, master's, or doctorate-degree programs in law, only the law school's degree programs in law shall be subject to the approval, regulation, and oversight of the examining committee.

(3) If a nonlaw school that does not meet the criteria set forth in Section 94750 of the Education Code offers educational programs leading to a juris doctor (J.D.) degree, bachelor of laws (LL.B.) degree, or other law study degree, those programs shall be subject to the regulation and oversight of the examining committee. The provisions of this paragraph shall not apply to paralegal programs.

SEC. 5. Section 94364 is added to the Education Code, to read:

94364. This chapter shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 6. Section 94900 of the Education Code is amended to read:

94900. (a) No private postsecondary educational institution may issue, confer, or award an academic or honorary degree unless the institution is approved by the council to operate in California and award degrees.

The council shall not issue an approval under paragraph (1) of subdivision (c) of Section 94901 or a conditional approval under paragraph (2) of subdivision (c) of Section 94901 until it has conducted a qualitative review and assessment of, and has approved, each degree program offered by the institution, and all of the operations of the institution, and has determined all of the following:

(1) The institution has the facilities, financial resources, administrative capabilities, faculty, and other necessary educational expertise and resources to ensure its capability of fulfilling the program or programs for enrolled students.

(2) The faculty are fully qualified to undertake the level of instruction that they are assigned and shall possess degrees or credentials appropriate to the degree program and level they teach and have demonstrated professional achievement in the major field or fields offered, in sufficient numbers to provide the educational services.

(3) The education services and curriculum clearly relate to the objectives of the proposed program or programs and offer students the opportunity for a quality education.

(4) The facilities are appropriate for the defined educational objectives and are sufficient to ensure quality educational services to the students enrolled in the program or programs.

(5) The program of study for which the degree is granted provides the curriculum necessary to achieve its professed or claimed academic objective for higher education, and the institution requires a level of academic achievement appropriate to that degree.

(6) The institution provides adequate student advisement services, academic planning and curriculum development activities, research supervision for students enrolled in Ph.D. programs, and clinical supervision for students enrolled in various health profession programs.

(7) If the institution offers credit for prior experiential learning it may do so only after an evaluation by qualified faculty and only in disciplines within the institution's curricular offerings that are appropriate to the degree to be pursued. The council shall develop specific standards regarding the criteria for awarding credit for prior experiential learning at the graduate level, including the maximum number of hours for which credit may be awarded.

(b) The approval process shall include a qualitative review and assessment of all of the following:

- (1) Institutional purpose, mission, and objectives.
- (2) Governance and administration.
- (3) Curriculum.
- (4) Instruction.
- (5) Faculty, including their qualifications.
- (6) Physical facilities.
- (7) Administrative personnel.
- (8) Procedures for keeping educational records.
- (9) Tuition, fee, and refund schedules.
- (10) Admissions standards.
- (11) Financial aid policies and practices.
- (12) Scholastic regulations and graduation requirements.
- (13) Ethical principles and practices.
- (14) Library and other learning resources.

(15) Student activities and services.

(16) Degrees offered.

The standards and procedures utilized by the council shall foster the development of high quality, innovative educational programs and emerging new fields of study within postsecondary education. In addition, the standards and procedures utilized by the council shall not unreasonably hinder educational innovation and competition.

(c) If a law school not exempt under Section 94750 offers educational services other than bachelor's, master's, or doctorate-degree programs in law, the law school and its nonlaw degree programs shall be subject to this chapter.

Approved _____, 2006

Governor